

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Kuehl

January 18, 2000

An act to amend Section 1276.4 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as introduced, Kuehl. Health facilities: regulations.

Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2001, to adopt specified regulations with respect to licensed nurse-to-patient ratios for licensed health facilities, as defined. Existing law authorizes a county hospital in Los Angeles County to be subject to a phasein process with respect to these regulations.

This bill would extend the date for adoption of these regulations by the department to January 1, 2002, and would delete the phasein provisions for the county hospital in the county of the first class.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1276.4 of the Health and Safety
2 Code is amended to read:
3 1276.4. (a) By January 1, ~~2001~~ 2002, the State
4 Department of Health Services shall adopt regulations
5 that establish minimum, specific, and numerical licensed
6 nurse-to-patient ratios by licensed nurse classification and
7 by hospital unit for all health facilities licensed pursuant
8 to subdivision (a), (b), or (f) of Section 1250. The
9 department shall adopt these regulations in accordance
10 with the department's licensing and certification
11 regulations as stated in Sections 70053.2, 70215, and 70217
12 of Title 22 of the California Code of Regulations, and the
13 professional and vocational regulations in Section 1443.5
14 of Title 16 of the California Code of Regulations. The
15 department shall review these regulations five years after
16 adoption and shall report to the Legislature regarding
17 any proposed changes. Flexibility shall be considered by
18 the department for rural general acute care hospitals in
19 response to their special needs. As used in this subdivision,
20 "hospital unit" means a critical care unit, burn unit, labor
21 and delivery room, postanesthesia service area,
22 emergency department, operating room, pediatric unit,
23 step-down/intermediate care unit, specialty care unit,
24 telemetry unit, general medical care unit, subacute care
25 unit, and transitional inpatient care unit. The regulation
26 addressing the emergency department shall distinguish
27 between regularly scheduled core staff licensed nurses
28 and additional licensed nurses required to care for critical
29 care patients in the emergency department.
30 (b) These ratios shall constitute the minimum number
31 of registered and licensed nurses that shall be allocated.
32 Additional staff shall be assigned in accordance with a
33 documented patient classification system for
34 determining nursing care requirements, including the
35 severity of the illness, the need for specialized equipment
36 and technology, the complexity of clinical judgment
37 needed to design, implement, and evaluate the patient

1 care plan and the ability for self-care, and the licensure
2 of the personnel required for care.

3 (c) “Critical care unit” as used in this section means a
4 unit that is established to safeguard and protect patients
5 whose severity of medical conditions requires continuous
6 monitoring, and complex intervention by licensed nurses.

7 (d) All health facilities licensed under subdivision (a),
8 (b), or (f) of Section 1250 shall adopt written policies and
9 procedures for training and orientation of nursing staff.

10 (e) No registered nurse shall be assigned to a nursing
11 unit or clinical area unless that nurse has first received
12 orientation in that clinical area sufficient to provide
13 competent care to patients in that area, and has
14 demonstrated current competence in providing care in
15 that area.

16 (f) The written policies and procedures for orientation
17 of nursing staff shall require that all temporary personnel
18 shall receive orientation and be subject to competency
19 validation consistent with Sections 70016.1 and 70214 of
20 Title 22 of the California Code of Regulations.

21 (g) Requests for waivers to this section that do not
22 jeopardize the health, safety, and well-being of patients
23 affected and that are needed for increased operational
24 efficiency may be granted by the state department to
25 rural general acute care hospitals meeting the criteria set
26 forth in Section 70059.1 of Title 22 of the California Code
27 of Regulations.

28 (h) In case of conflict between this section and any
29 provision or regulation defining the scope of nursing
30 practice, the scope of practice provisions shall control.

31 (i) The regulations adopted by the department shall
32 augment and not replace existing nurse-to-patient ratios
33 that exist in regulation or law for the intensive care units,
34 the neonatal intensive care units, or the operating room.

35 (j) The regulations adopted by the department shall
36 not replace existing licensed staff-to-patient ratios for
37 hospitals operated by the State Department of Mental
38 Health.

39 (k) The regulations adopted by the department for
40 health facilities licensed under subdivision (b) of Section

1 1250 that are not operated by the State Department of
2 Mental Health shall take into account the special needs of
3 the patients served in the psychiatric units.

4 (l) The department may take into consideration the
5 unique nature of the University of California teaching
6 hospitals as educational institutions when establishing
7 licensed nurse-to-patient ratios. The department shall
8 coordinate with the Board of Registered Nursing to
9 ensure that staffing ratios are consistent with the Board
10 of Registered Nursing approved nursing education
11 requirements. This includes nursing clinical experience
12 incidental to a work-study program rendered in a
13 University of California clinical facility approved by the
14 Board of Registered Nursing provided there will be
15 sufficient direct care registered nurse preceptors
16 available to ensure safe patient care.

17 ~~(m) A county hospital in a county of the first class, as~~
18 ~~defined in Section 28022 of the Government Code, shall~~
19 ~~be subject to a phase-in process developed in conjunction~~
20 ~~with the department. This phase-in process shall be~~
21 ~~completed within one year of the adoption of the~~
22 ~~regulations that implement this section.~~

23 SEC. 2. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or
25 safety within the meaning of Article IV of the
26 Constitution and shall go into immediate effect. The facts
27 constituting the necessity are:

28 In order to allow the State Department of Health
29 Services sufficient time to develop regulations that
30 establish licensed nurse-to-patient ratios for licensed
31 health facilities as prescribed by existing law, it is
32 necessary that this act take effect immediately.

